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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1363) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, AND FOR OTHER PURPOSES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES.

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April 6, 2011.—Referred to the House Calendar and ordered to be printed.

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Ms. FOXX, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1363, the Department of Defense and Further Additional Continuing Appropriations Act, 2011, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit. Finally, the resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) with respect to any resolution reported before April 11, 2011, providing for consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011.

### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of section 302(f) of the Congressional Budget Act, prohibiting consideration of a measure which causes the applicable allocation of new

budget authority under subsections 302(a) or (b) to be exceeded. Although the joint resolution reduces spending by \$12 billion over the one week life of the further additional continuing appropriations, the Congressional Budget Office is required by scorekeeping rules to annualize the score comparing it to the House-passed continuing resolution (H.R. 1) causing the bill to be scored at a higher level, thus the bill is presumed to breach the Appropriation Committee's section 302 allocations. The Committee is not aware of any other points of order against consideration of the bill.

Although the rule waives all points of order against provisions in the bill, the Committee is not aware of any points of order against provisions in the bill. The waiver of all points of order against the provisions in the bill is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### Rules Committee Record Vote No. 74

Motion by Mr. McGovern to amend the rule to make in order and provide the appropriate waivers for amendment #2, offered by Rep. Conyers Jr. (MI), Rep. Tonko (NY), Rep. Woolsey (CA), Rep. Welch (VT), Rep. Kucinich (OH), Rep. Lee (CA), Rep. McClintock (CA), Rep. Miller (CA), Rep. Cohen (TN), Rep. Grijalva (AZ), Rep. Jones (NC), Rep. Farr (CA), Rep. Honda (CA), and Rep. Stark (CA), which would state that no funds in the Act may be used to deploy, establish, or maintain the presence of Members of the Armed Forces or private security contractors on the ground in Libya for the purposes of engaging in ground combat operations. Defeated: 4-9

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

##### Rules Committee Record Vote No. 75

Motion by Ms. Slaughter to amend the rule to make in order and provide the appropriate waivers for amendment #1, offered by Rep. Dicks (WA), which would strike all after the enacting clause and insert a simple

extension of the current CR through April 15, 2011. Defeated: 4-9

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

#### Rules Committee Record Vote No. 76

Motion by Mr. Hastings of Florida to amend the rule to make in order and provide the appropriate waivers for amendment #3, offered by Delegate Norton (DC), which would permit the District of Columbia government to spend its local taxpayer-raised funds on abortions for low-income women. Defeated: 4-9

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

#### Rules Committee Record Vote No. 77

Motion by Mr. Polis to amend the rule to make in order and provide the appropriate waivers for amendment #5, offered by Rep. Lee (CA), which would end combat operations in Afghanistan and limit funding to the safe orderly redeployment of all U.S. troops and military contractors. Defeated: 4-9

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay	Mr. Polis.....	Yea
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Reed.....	Nay		
Mr. Dreier, Chairman.....	Nay		

# House Calendar No.

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

## H. RES. \_

[Report No. 112—]

Providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

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### IN THE HOUSE OF REPRESENTATIVES

April 6, 2011

Ms. FOXX, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed.

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## RESOLUTION

Providing for consideration of the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1363) making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and

controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported before April 11, 2011, providing for consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011.